



February 18, 2005

HOUSE BILL No. 1174

DIGEST OF HB 1174 (Updated February 14, 2005 5:38 pm - DI 107)

Citations Affected: IC 33-28.

Synopsis: Jury duty. Provides that a person who appears for jury duty but is not selected has completed the person's jury duty at the end of the first day. Removes certain exemptions from jury duty. Provides that a person is entitled to one deferral of jury duty. Expands the source of names for jury lists to include a person who obtains a driver's license or identification card from the bureau of motor vehicles. Prohibits an employer from requiring an employee to use vacation or other leave for jury duty.

Effective: July 1, 2005.

**Mays, Foley, Ulmer, Austin, Noe,
Brown T**

January 6, 2005, read first time and referred to Committee on Judiciary.
February 17, 2005, amended, reported — Do Pass.

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HB 1174—LS 7378/DI 107+



February 18, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1174

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-28-4-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The jury
3 commissioners shall immediately, from the names of:

4 (1) legal voters **of the county**; ~~and~~

5 (2) citizens of the United States on the latest tax duplicate and the
6 tax schedules of the county; **and**

7 (3) **individuals who:**

8 (A) **reside in the county**; **and**

9 (B) **have obtained a driver's license or identification card**
10 **under IC 9-24 from the bureau of motor vehicles;**

11 examine for the purpose of determining the sex, age, and identity of
12 prospective jurors, and proceed to select and deposit, in a box furnished
13 by the clerk for that purpose, the names, written on separate slips of
14 paper of uniform shape, size, and color, of twice as many persons as
15 will be required by law for grand and petit jurors in the courts of the
16 county, for all the terms of the courts, to begin with the following
17 calendar year.

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(b) Each selection shall be made as nearly as possible in proportion to the population of each county commissioner's district. In making the selections, the jury commissioners shall in all things observe their oaths. The jury commissioners shall not select the name of any person who is to them known to be interested in or has a case pending that may be tried by a jury to be drawn from the names so selected.

(c) The jury commissioners shall deliver the locked box to the clerk of the circuit court, after having deposited into the box the names as directed under this section. The key shall be retained by one (1) of the jury commissioners, who may not be an adherent of the same political party as the clerk.

(d) In a county containing a consolidated city, the jury commissioners may, upon an order made by the judge of the circuit court and entered in the records of the circuit court of the county, make the selections and deposits required under this section monthly instead of annually. The jury commissioners may omit the personal examination of prospective jurors, the examination of voters lists, and make selection without reference to county commissioners' districts. The judge of the circuit court in a county containing a consolidated city may do the following:

(1) Appoint a secretary for the jury commissioners, and sufficient stenographic aid and clerical help to properly perform the duties of the jury commissioners.

(2) Fix the salaries of the commissioners, the secretary, and stenographic and clerical employees.

(3) Provide office quarters and necessary supplies for the jury commissioners and their employees.

The expenses incurred under this subsection shall be paid for from the treasury of the county upon the order of the court.

(e) Subject to appropriations made by the county fiscal body, the jury commissioners may use a computerized jury selection system. However, the system used for the selection system must be fair and may not violate the rights of persons with respect to the impartial and random selection of prospective jurors. The jurors selected under the computerized jury selection system must be eligible for selection under this chapter. The commissioners shall deliver the names of the individuals selected to the clerk of the circuit court. The commissioners shall observe their oath in all activities taken under this subsection.

(f) The jury commissioners may supplement voter registration lists and tax schedules under subsection (a) with names from lists of persons residing in the county that the jury commissioners may designate as necessary to obtain a cross-section of the population of each county

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commissioner's district. The lists designated by the jury commissioners under this subsection must be used for the selection of jurors throughout the entire county.

(g) The supplemental sources designated under subsection (f) may consist of such lists as those of utility customers, persons filing income tax returns, motor vehicle registrations, city directories, telephone directories, and driver's licenses. These supplemental lists may not be substituted for the voter registration list. The jury commissioners may not draw more names from supplemental sources than are drawn from the voter registration lists and tax schedules.

SECTION 2. IC 33-28-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) **A person may not be automatically excused from acting as a juror under this chapter.** A person shall be excused from acting as a juror if the person requests to be excused before being sworn as a juror and:

(1) is at least sixty-five (65) years of age;

(2) (1) is a member in active service of the armed forces of the United States;

(3) (2) is an elected or appointed official of the executive, legislative, or judicial branches of government of:

(A) the United States;

(B) Indiana; or

(C) a unit of local government;

who is actively engaged in the performance of the person's official duties;

(4) (3) is a member of the general assembly who makes the request to be excused before being sworn as a juror;

(5) (4) is an honorary military staff officer appointed by the governor under IC 10-16-2-5;

(6) (5) is an officer or enlisted person of the guard reserve forces authorized by the governor under IC 10-16-8;

(7) is a veterinarian licensed under IC 15-5-1-1;

(8) is serving as a member of the board of school commissioners of the city of Indianapolis under IC 20-3-11-2;

(9) is a dentist licensed under IC 25-14-1;

(10) (6) is a member of a police or fire department or company under IC 36-8-3 or IC 36-8-12; or

(11) (7) would serve as a juror during a criminal trial and the person is:

(A) an employee of the department of correction whose duties require contact with inmates confined in a department of correction facility; or

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(B) the spouse or child of a person described in clause (A).
~~and desires to be excused for that reason.~~

(b) A person may not be automatically deferred from jury service under this section. A person scheduled to appear for jury service has the right to defer the date of the person's initial appearance for jury service one (1) time upon a showing of hardship, extreme inconvenience, or necessity. The court shall grant a prospective juror's request for deferral if the following conditions are met:

(1) The prospective juror has not previously been granted a deferral.

(2) The prospective juror requests a deferral by contacting the jury commissioner:

(A) by telephone;

(B) by electronic mail;

(C) in writing; or

(D) in person.

(3) The prospective juror selects another date on which the prospective juror will appear for jury service that is:

(A) not more than one (1) year after the date upon which the prospective juror was originally scheduled to appear; and

(B) a date when the court will be in session.

(4) The court determines that the prospective juror has demonstrated that a deferral is necessary due to:

(A) hardship;

(B) extreme inconvenience; or

(C) necessity.

~~(b)~~ **(c) A prospective juror is disqualified to serve on a jury if any of the following conditions exist:**

(1) The person is not a citizen of the United States, at least eighteen (18) years of age, and a resident of the county.

(2) The person is unable to read, speak, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily a juror qualification form.

(3) The person is incapable of rendering satisfactory jury service due to physical or mental disability. However, a person claiming this disqualification may be required to submit a physician's or authorized Christian Science practitioner's certificate confirming the disability, and the certifying physician or practitioner is then subject to inquiry by the court at the court's discretion.

(4) The person is under a sentence imposed for an offense.

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(5) A guardian has been appointed for the person under IC 29-3 because the person has a mental incapacity.

(6) The person has had rights revoked by reason of a felony conviction and the rights have not been restored.

~~(c)~~ (d) A person may not serve as a petit juror in any county if the person served as a petit juror in the same county within the previous three hundred sixty-five (365) days. The fact that a person's selection as a juror would violate this subsection is sufficient cause for challenge.

~~(d)~~ (e) A grand jury, a petit jury, or an individual juror drawn for service in one (1) court may serve in another court of the county, in accordance with orders entered on the record in each of the courts.

~~(e)~~ (f) The same petit jurors may be used in civil cases and in criminal cases.

~~(f)~~ (g) A person may not be excluded from jury service on account of race, color, religion, sex, national origin, or economic status.

~~(g)~~ (h) Notwithstanding IC 35-47-2, IC 35-47-2.5, or the restoration of the right to serve on a jury under this section and except as provided in subsections ~~(c)~~, (i), ~~(d)~~, (j), and ~~(f)~~, (m), a person who has been convicted of a crime of domestic violence (as defined in IC 35-41-1-6.3) may not possess a firearm:

(1) after the person is no longer under a sentence imposed for an offense; or

(2) after the person has had the person's rights restored following a conviction.

~~(h)~~ (i) Not earlier than five (5) years after the date of conviction, a person who has been convicted of a crime of domestic violence (as defined in IC 35-41-1-6.3) may petition the court for restoration of the person's right to possess a firearm. In determining whether to restore the person's right to possess a firearm, the court shall consider the following factors:

(1) Whether the person has been subject to:

(A) a protective order;

(B) a no contact order;

(C) a workplace violence restraining order; or

(D) any other court order that prohibits the person from possessing a firearm.

(2) Whether the person has successfully completed a substance abuse program, if applicable.

(3) Whether the person has successfully completed a parenting class, if applicable.

(4) Whether the person still presents a threat to the victim of the

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crime.

(5) Whether there is any other reason why the person should not possess a firearm, including whether the person failed to complete a specified condition under subsection ~~(i)~~ (j) or whether the person has committed a subsequent offense.

~~(i)~~ (j) The court may condition the restoration of a person's right to possess a firearm upon the person's completion of specified conditions.

~~(j)~~ (k) If the court denies a petition for restoration of the right to possess a firearm, the person may not file a second or subsequent petition until one (1) year has elapsed.

~~(k)~~ (l) A person has not been convicted of a crime of domestic violence for purposes of subsection ~~(i)~~ (i) if the conviction has been expunged or if the person has been pardoned.

~~(i)~~ (m) The right to possess a firearm shall be restored to a person whose conviction is reversed on appeal or on postconviction review at the earlier of the following:

(1) At the time the prosecuting attorney states on the record that the charges that gave rise to the conviction will not be refiled.

(2) Ninety (90) days after the final disposition of the appeal or the postconviction proceeding.

SECTION 3. IC 33-28-4-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 10. (a) A person who appears for service as a petit or grand juror serves until the conclusion of the first trial in which the juror is sworn, regardless of the length of the trial or the manner in which the trial is disposed. A person who appears for service but is not selected and sworn as a juror completes the person's service at the end of one (1) day.**

(b) A person who:

(1) serves as a juror under this chapter; or

(2) completes one (1) day of jury selection but is not chosen to serve as a juror;

may not be selected for another jury panel for at least two (2) years unless all nonexempt individuals for jury service compiled under section 3 of this chapter have been called.

(c) The employer of a person who:

(1) is summoned to serve as a juror; and

(2) notifies the employer of the jury summons:

(A) within a reasonable period after receiving the jury summons; and

(B) before the person appears for jury duty;

may not subject the person to any adverse employment action as

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the result of the person's jury service.

(d) An employee may not be required or requested to use annual leave, vacation leave, or sick leave for time spent:

- (1) responding to a summons for jury duty;
- (2) participating in the jury selection process; or
- (3) serving on a jury.

This subsection does not require an employer to provide annual leave, vacation leave, or sick leave to an employee who is not otherwise entitled to these benefits.

(e) If:

- (1) a prospective juror works for an employer with ten (10) or fewer full-time employees (or their equivalent);
- (2) another employee of the employer described in subdivision (1) is performing jury service; and
- (3) the prospective juror or the employee performing jury service notifies the court that they both work for the same employer;

the court shall reschedule the prospective juror's jury service for a date that does not overlap with the jury service of the other employee already performing jury service. The rescheduling of jury service under this subsection does not affect the prospective juror's right to a deferral under section 8(b) of this chapter.

SECTION 4. IC 33-28-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. As used in this chapter, "master list" means:

- (1) a serially printed list;
- (2) a magnetic tape;
- (3) an Addressograph file;
- (4) a punched card file;
- (5) a computer record; or
- (6) another form of record determined by the supervising judge to be consistent with this chapter;

that fosters the policy and protects the rights secured by this chapter, contains all current, up-to-date voter registration lists for each precinct in the county, **the names of all citizens of the United States on the latest tax duplicate and the tax schedules of the county, and the names of all individuals who reside in the county and have obtained a driver's license or identification card under IC 9-24 from the bureau of motor vehicles,** and is supplemented by names derived from other sources identified under this chapter.

SECTION 5. IC 33-28-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) The jury

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commissioner shall compile and maintain a master list consisting of:

- (1) all the voter registration lists for the county;
- (2) the names of all citizens of the United States on the latest tax duplicate and the tax schedules of the county; and**
- (3) the names of all individuals who reside in the county and have obtained a driver's license or identification card under IC 9-24 from the bureau of motor vehicles.**

(b) The master list in subsection (a) shall be supplemented with names from other lists of persons resident in the county that the supreme court shall periodically designate as necessary to obtain the broadest cross-section of the county, having determined that use of supplemental lists is feasible. The supreme court may designate supplemental lists for use by the courts periodically in a manner that fosters the policy and protects the rights secured by this chapter. Supplemental sources may consist of lists of:

- (1) utility customers;
- (2) property taxpayers; and
- (3) persons filing income tax returns, motor vehicle registrations, city directories, telephone directories, and driver's licenses.

Supplemental lists may not be substituted for the voter registration list, **tax schedules, or the driver's license and identification card list.** In drawing names from supplemental lists, the jury commissioner shall avoid duplication of names.

~~(b)~~ **(c)** A person who has custody, possession, or control of any of the lists making up or used in compiling the master list, including those designated under subsection ~~(a)~~ **(b)** by the supreme court as supplementary sources of names, shall furnish the master list to the jury commissioner for inspection, reproduction, and copying at all reasonable times.

~~(c)~~ **(d)** When a copy of a list maintained by a public official is furnished, only the actual cost of the copy may be charged to the courts.

~~(d)~~ **(e)** The master list of names is open to the public for examination as a public record. However, the source of names and any information other than the names contained in the source is confidential.

SECTION 6. IC 33-28-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. (a) The supervising judge or the jury commissioner shall determine solely on the basis of information provided on a juror qualification form or interview with a prospective juror whether the prospective juror is disqualified for jury service. The jury commissioner shall enter this determination in the space provided on the juror qualification form or electronic data

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processing facsimile and on the alphabetical list of names drawn from the master list.

(b) A person may not be automatically excused under this chapter. Upon request of a prospective juror, the supervising judge or jury commissioner shall determine on the basis of information provided on:

- (1) the juror qualification form;
- (2) correspondence from the prospective juror; or
- (3) an interview with the prospective juror;

whether the prospective juror may be excused from jury service. The jury commissioner shall enter this determination in the space provided on the juror qualification form.

(c) A person may not be automatically deferred from jury service under this section. A person scheduled to appear for jury service has the right to defer the date of the person's initial appearance for jury service one (1) time upon a showing of hardship, extreme inconvenience, or necessity. The court shall grant a prospective juror's request for deferral if the following conditions are met:

(1) The prospective juror has not previously been granted a deferral.

(2) The prospective juror requests a deferral by contacting the jury commissioner:

- (A) by telephone;**
- (B) by electronic mail;**
- (C) in writing; or**
- (D) in person.**

(3) The prospective juror selects another date on which the prospective juror will appear for jury service that is:

- (A) not more than one (1) year after the date upon which the prospective juror was originally scheduled to appear; and**

(B) a date when the court will be in session.

(4) The court determines that the prospective juror has demonstrated that a deferral is necessary due to:

- (A) hardship;**
- (B) extreme inconvenience; or**
- (C) necessity.**

~~(c)~~ **(d) A person who is not disqualified for jury service may be excused from jury service only upon a showing of:**

- (1) undue hardship;**
- (2) extreme inconvenience; or**
- (3) public necessity;**

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1 until the time of the next drawing when the person is resummoned.
 2 Appropriate records must be maintained by the jury commissioner to
 3 facilitate resummoning.

4 ~~(d)~~ (e) Requests for excuse, other than those accompanying the
 5 return of the qualification form, must be made by the prospective juror
 6 in writing to the jury commissioner not later than three (3) days before
 7 the date when the prospective juror has been summoned to appear.

8 SECTION 7. IC 33-28-5-23 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. (a) A person who
 10 appears for service as a petit or grand juror serves until the conclusion
 11 of the first trial in which the juror is sworn, regardless of the length of
 12 the trial or the manner in which the trial is disposed. A person who
 13 appears for service but is not selected and sworn as a juror completes
 14 the person's service at the end of one (1) day.

15 (b) A person who:

16 (1) serves as a juror under this chapter; or

17 (2) completes one (1) day of jury selection but is not chosen to
 18 serve as a juror;

19 may not be selected for another jury panel ~~until all nonexempt persons~~
 20 ~~on the master list have been called for jury duty; for at least two (2)~~
 21 ~~years unless all nonexempt individuals for jury service on the~~
 22 ~~master list described in section 13 of this chapter have been called.~~

23 (c) The employer of a person who:

24 (1) is summoned to serve as a juror; and

25 (2) notifies the employer of the jury summons:

26 (A) within a reasonable period after receiving the jury
 27 summons; and

28 (B) before the person appears for jury duty;

29 may not subject the person to any adverse employment action as
 30 the result of the person's jury service.

31 (d) An employee may not be required or requested to use annual
 32 leave, vacation leave, or sick leave for time spent:

33 (1) responding to a summons for jury duty;

34 (2) participating in the jury selection process; or

35 (3) serving on a jury.

36 This subsection does not require an employer to provide annual
 37 leave, vacation leave, or sick leave to an employee who is not
 38 otherwise entitled to these benefits.

39 (e) If:

40 (1) a prospective juror works for an employer with ten (10) or
 41 fewer full-time employees (or their equivalent);

42 (2) another employee of the employer described in subdivision

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1 (1) is performing jury service; and

2 (3) the prospective juror or the person performing jury
3 service notifies the court that they both work for the same
4 employer;

5 the court shall reschedule the prospective juror's jury service for
6 a date that does not overlap with the jury service of the other
7 employee. The rescheduling of jury service under this subsection
8 does not affect the prospective juror's right to a deferral under
9 section 18(c) of this chapter.

10 SECTION 8. IC 33-28-6-6 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. As used in this
12 chapter, "master list" means:

13 (1) all current, up-to-date voter registration lists for each precinct
14 in the county;

15 (2) the names of all citizens of the United States on the latest
16 tax duplicate and the tax schedules of the county; and

17 (3) a list of all individuals who reside in the county and who
18 have obtained a driver's license or identification card under
19 IC 9-24 from the bureau of motor vehicles;

20 supplemented with names from other sources prescribed pursuant to
21 this chapter, in order to foster the policy and protect the rights secured
22 by this chapter. The master list may be in the form of a serially printed
23 list, a magnetic tape, an Addressograph file, punched cards, or such
24 other form considered by the chief judge to be consistent with this
25 chapter.

26 SECTION 9. IC 33-28-6-13 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) The jury
28 commissioner shall compile and maintain a master list consisting of:

29 (1) all the voter registration lists for the county;

30 (2) the names of all citizens of the United States on the latest
31 tax duplicate and the tax schedules of the county; and

32 (3) a list of all individuals who reside in the county and who
33 have obtained a driver's license or identification card under
34 IC 9-24 from the bureau of motor vehicles;

35 supplemented with names from other lists of persons resident in the
36 county that the supreme court shall periodically designate as necessary
37 to obtain the broadest cross-section of the county, having determined
38 that use of the supplemental lists is feasible. The supreme court shall
39 exercise the authority to designate supplemental lists periodically in
40 order to foster the policy and protect the rights secured by this article.
41 The supplemental sources may include lists of utility customers,
42 property taxpayers, and persons filing income tax returns, motor

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1 vehicle registrations, city directories, telephone directories, and driver's
 2 licenses. Supplemental lists may not be substituted for the voter
 3 registration list. In drawing names from supplemental lists, the jury
 4 commissioner shall avoid duplication of names.

5 (b) Whoever has custody, possession, or control of any of the lists
 6 making up or used in compiling the master list, including those
 7 designated under subsection (a) by the supreme court as supplementary
 8 sources of names, shall furnish the list to the jury commissioner for
 9 inspection, reproduction, and copying at all reasonable times.

10 (c) When a copy of a list maintained by a public official is
 11 furnished, only the actual cost of the copy may be charged to the court.

12 (d) The master list of names shall be open to the public for
 13 examination as a public record, except that the source of names and
 14 any information other than the names contained in that source may not
 15 be public information.

16 SECTION 10. IC 33-28-6-19 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. ~~A qualified~~
 18 ~~prospective juror is not~~ (a) **A person may not be automatically**
 19 **excused from jury service under this chapter. The following**
 20 **persons are exempt from jury service but must request to be excused**
 21 **from jury service before being sworn in as a juror: except for the**
 22 **following:**

23 (1) Members in active service of the armed forces of the United
 24 States who are actively engaged in the performance of their
 25 official duties.

26 (2) Elected or appointed officials of the executive, legislative, or
 27 judicial branches of government of the:

28 (A) United States;

29 (B) State of Indiana; or

30 (C) counties affected by this chapter;

31 who are actively engaged in the performance of their official
 32 duties.

33 (3) A person who:

34 (A) would serve as a juror during a criminal trial; and

35 (B) is:

36 (i) an employee of the department of correction whose duties
 37 require contact with inmates confined in a department of
 38 correction facility; or

39 (ii) the spouse or child of a person described in item (i);
 40 and desires to be excused for that reason.

41 (b) **A person may not be automatically deferred from jury**
 42 **service under this section. A person scheduled to appear for jury**

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1 service has the right to defer the date of the person's initial
 2 appearance for jury service one (1) time upon a showing of
 3 hardship, extreme inconvenience, or necessity. The court shall
 4 grant a prospective juror's request for deferral if the following
 5 conditions are met:

6 (1) The prospective juror has not previously been granted a
 7 deferral.

8 (2) The prospective juror requests a deferral by contacting
 9 the jury commissioner:

10 (A) by telephone;

11 (B) by electronic mail;

12 (C) in writing; or

13 (D) in person.

14 (3) The prospective juror selects another date on which the
 15 prospective juror will appear for jury service that is:

16 (A) not more than one (1) year after the date on which the

17 prospective juror was originally scheduled to appear; and

18 (B) a date when the court will be in session.

19 (4) The court determines that the prospective juror has
 20 demonstrated that a deferral is necessary due to:

21 (A) hardship;

22 (B) extreme inconvenience; or

23 (C) necessity.

24 SECTION 11. IC 33-28-6-27 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2005]: Sec. 27. (a) A person who appears for
 27 service as a petit or grand juror serves until the conclusion of the
 28 first trial in which the juror is sworn, regardless of the length of
 29 the trial or the manner in which the trial is disposed. A person who
 30 appears for service but is not selected and sworn as a juror
 31 completes the person's service at the end of one (1) day.

32 (b) A person who:

33 (1) serves as a juror under this chapter; or

34 (2) completes one (1) day of jury selection but is not chosen to
 35 serve as a juror;

36 may not be selected for another jury panel for at least two (2) years
 37 unless all nonexempt individuals for jury service on the master list
 38 described in section 13 of this chapter have been called.

39 (c) The employer of a person who:

40 (1) is summoned to serve as a juror; and

41 (2) notifies the employer of the jury summons:

42 (A) within a reasonable period after receiving the jury

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1 summons; and
 2 (B) before the person appears for jury duty;
 3 may not subject the person to any adverse employment action as
 4 the result of the person's jury service.
 5 (d) An employee may not be required or requested to use annual
 6 leave, vacation leave, or sick leave for time spent:
 7 (1) responding to a summons for jury duty;
 8 (2) participating in the jury selection process; or
 9 (3) serving on a jury.
 10 This subsection does not require an employer to provide annual
 11 leave, vacation leave, or sick leave to an employee who is not
 12 otherwise entitled to these benefits.
 13 (e) If:
 14 (1) a prospective juror works for an employer with ten (10) or
 15 fewer full-time employees (or their equivalent);
 16 (2) another employee of the employer described in subdivision
 17 (1) is performing jury service; and
 18 (3) the prospective juror or the employee performing jury
 19 service notifies the court that they both work for the same
 20 employer;
 21 the court shall reschedule the prospective juror's jury service for
 22 a date that does not overlap with the jury service of the employee
 23 already performing jury service. The rescheduling of jury service
 24 under this subsection does not affect the prospective juror's right
 25 to a deferral under section 19(b) of this chapter.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1174, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 12, after "(a)" insert "**A person may not be automatically excused from acting as a juror under this chapter.**".

Page 3, line 13, delete "person:" and insert "**person requests to be excused before being sworn as a juror and:**".

Page 3, strike line 14.

Page 3, line 15, strike "(2)" and insert "**(1)**".

Page 3, line 17, strike "(3)" and insert "**(2)**".

Page 3, line 24, strike "(4)" and insert "**(3)**".

Page 3, line 26, strike "(5)" and insert "**(4)**".

Page 3, line 28, strike "(6)" and insert "**(5)**".

Page 3, line 34, delete "(7)" and insert "**(6)**".

Page 3, line 36, delete "(8)" and insert "**(7)**".

Page 3, line 41, delete "(A);" and insert "(A)".

Page 3, line 42, strike "and".

Page 3, line 42, delete "requests to be excused".

Page 4, delete line 1.

Page 4, line 2, after "(b)" insert "**A person may not be automatically deferred from jury service under this section.**".

Page 4, line 3, delete "postpone" and insert "**defer**".

Page 4, line 4, delete "time." and insert "**time upon a showing of hardship, extreme inconvenience, or necessity.**".

Page 4, line 5, delete "postponement" and insert "**deferral**".

Page 4, line 7, delete "postponement." and insert "**deferral.**".

Page 4, line 8, delete "postponement" and insert "**deferral**".

Page 4, line 16, delete "six (6) months" and insert "**one (1) year**".

Page 4, between lines 19 and 20, begin a new line block indented and insert:

"(4) The court determines that the prospective juror has demonstrated that a deferral is necessary due to:

(A) hardship;

(B) extreme inconvenience; or

(C) necessity."

Page 6, line 24, delete "one (1) year." and insert "**two (2) years unless all nonexempt individuals for jury service compiled under section 3 of this chapter have been called.**".

Page 6, line 42, delete "five (5)" and insert "**ten (10)**".

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Page 7, line 11, delete "postponement" and insert **"deferral"**.

Page 9, line 1, after "(c)" insert **"A person may not be automatically deferred from jury service under this section."**

Page 9, line 2, delete "postpone" and insert **"defer"**.

Page 9, line 3, delete "time." and insert **"time upon a showing of hardship, extreme inconvenience, or necessity."**

Page 9, line 4, delete "postponement" and insert **"deferral"**.

Page 9, line 6, delete "postponement." and insert **"deferral."**

Page 9, line 7, delete "postponement" and insert **"deferral"**.

Page 9, line 15, delete "six (6) months" and insert **"one (1) year"**.

Page 9, between lines 18 and 19, begin a new line block indented and insert:

"(4) The court determines that the prospective juror has demonstrated that a deferral is necessary due to:

(A) hardship;

(B) extreme inconvenience; or

(C) necessity."

Page 10, line 1, delete "one (1)" and insert **"two (2) years unless all nonexempt individuals for jury service on the master list described in section 13 of this chapter have been called."**

Page 10, delete line 2.

Page 10, line 20, delete "five (5)" and insert **"ten (10)"**.

Page 10, line 30, delete "postponement" and insert **"deferral"**.

Page 11, line 40, after "(a)" insert **"A person may not be automatically excused from jury service under this chapter."**

Page 11, line 41, delete "service:" and insert **"service but must request to be excused from jury service before being sworn in as a juror:"**.

Page 12, line 18, after "(b)" insert **"A person may not be automatically deferred from jury service under this section."**

Page 12, line 19, delete "postpone" and insert **"defer"**.

Page 12, line 20, delete "time." and insert **"time upon a showing of hardship, extreme inconvenience, or necessity."**

Page 12, line 21, delete "postponement" and insert **"deferral"**.

Page 12, line 23, delete "postponement." and insert **"deferral."**

Page 12, line 24, delete "postponement" and insert **"deferral"**.

Page 12, line 32, delete "six (6) months" and insert **"one (1) year"**.

Page 12, between lines 35 and 36, begin a new line block indented and insert:

"(4) The court determines that the prospective juror has demonstrated that a deferral is necessary due to:

(A) hardship;

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(B) extreme inconvenience; or

(C) necessity."

Page 13, line 6, delete "one (1) year." and insert **"two (2) years unless all nonexempt individuals for jury service on the master list described in section 13 of this chapter have been called."**

Page 13, line 24, delete "five (5)" and insert **"ten (10)"**.

Page 13, line 35, delete "postponement" and insert **"deferral"**.

and when so amended that said bill do pass.

(Reference is to HB 1174 as introduced.)

FOLEY, Chair

Committee Vote: yeas 11, nays 0.

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